

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Steven F. LIVENGOOD **GROUP:** 2625
APPLICATION: 10/802,213 **EXAMINER:** I. Cruz
FILED: March 17, 2004 **CONFIRMATION:** 3559
FOR: USER-ADJUSTIBLE MECHANISM FOR EXTRACTING FULL COLOR INFORMATION
FROM TWO-COLOR INK DEFINITIONS

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

ELECTION WITH TRAVERSE IN RESPONSE TO
RESTRICTION REQUIREMENT UNDER 35 USC § 121

Requirement for Election of Species is Incomplete and Improper; Election with Traverse

In this **fourth** Office Action, after three prior actions on the merits examining all pending claims (1 – 19), the Examiner has now alleged that the application contains claims directed to patentably distinct species. Applicants respectfully disagree and traverse the requirement for an election of species as set forth in more detail below.

First, Applicants respectfully submit that the requirement for an Election of Species is incomplete. In formulating the Election of Species requirement, the Examiner alleges three distinct species: Species I – pertaining to a method for converting input data representing a color formed from only two primary colors to output data representing a color in a full-color space...; Species II - pertaining to a method for converting input data representing a color formed from only two primary colors to output data representing a color formed from at least three colors...; and Species III - pertaining to a method of instructing a printing system which prints in at least three colorants to print a predetermined color defined using only a first and second color.... Notably, the wording used to characterize the alleged species is taken directly from the Specification, particularly, the “BACKGROUND AND SUMMARY OF THE INVENTION” section. Moreover, the language relied upon was a general paraphrasing of the as-filed claims.